

JORGE DENEVE (S.B. #198855)
jdeneve@omm.com
O'MELVENY & MYERS LLP
400 South Hope Street 18th Floor
Los Angeles, California 90071-2899
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

RAMON RAMIREZ (S.B. #280772)
rramirez@omm.com
ENOCH O. AJAYI (S.B. #337392)
eajayi@omm.com
O'MELVENY & MYERS LLP
2765 Sand Hill Road
Menlo Park, California 94025-7019
Telephone: +1 650 473 2600
Facsimile: +1 650 473 2601

Attorneys for Plaintiff
Kathryn Wade

*(Additional Counsel Listed on the
Following Page)*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

KATHRYN WADE,

Plaintiff,

v.

CITY OF ANTIOCH, OFFICER M.
MELLONE, OFFICER J. EWART, DOE
OFFICERS 1-10, inclusive,

Defendants.

Case No. 4:23-CV-01130-DMR

**JOINT STIPULATION AND
ORDER EXTENDING DEADLINE
TO SEEK LEAVE TO AMEND THE
PLEADINGS**

Judge: Hon. Donna M. Ryu

Trial: July 14, 2025

1 PATRICK D. MORIARTY, State Bar No. 213185

2 pmoriarty@cmtrlaw.com

3 JOHN B. ROBINSON, State Bar No. 297065

4 jrobinson@cmtrlaw.com

5 CASTILLO, MORIARTY, TRAN & ROBINSON

6 75 Southgate Avenue Daly City, CA 94015

7 Telephone: (415) 213-4098

8 Attorneys for Defendants

9 CITY OF ANTIOCH and OFFICER MICHAEL MELLONE

10 CHESTER E. WALLS, State Bar No. 286398

11 cew@litg-engr.com

12 LITIGATION ENGINEERED

13 1300 E. Shaw Avenue, Suite 125

14 Fresno, CA 93710-7903

15 Telephone: (559) 221-2771

16 Facsimile: (559) 221-2775

17 Attorney for OFFICER JACOB EWART

Pursuant to Civil Local Rule 7-12, Plaintiff Kathryn Wade (“Plaintiff”), on the one hand, and Defendants City of Antioch, Officer Michael Mellone, and Officer J. Ewart (collectively, “Defendants”), on the other hand, by and through their respective counsel, hereby stipulate as follows:

RECITALS

WHEREAS, on March 10, 2023, Plaintiff, representing herself, filed her Complaint (Dkt. 1), initiating this action;

WHEREAS, on April 17, 2023, the Court issued an order granting Plaintiff leave to proceed in forma pauperis, finding the Complaint failed to state a claim upon which relief may be granted, and granting Plaintiff leave to file an amended complaint (Dkt. 5);

WHEREAS, on June 12, 2023, Plaintiff, representing herself, filed a First Amended Complaint (the “FAC,” Dkt. 8);

WHEREAS, on July 21, 2023, Defendants filed their Answer to the FAC (Dkt. 14);

WHEREAS, on September 20, 2023, the Court held the Initial Case Management Conference, during which Plaintiff informed the Court that she intended to consult with the Legal Help Center and file a motion for appointment of counsel, and the Court set a Further Case Management Conference for January 17, 2024 (Dkt. 18);

WHEREAS, on October 3, 2023, the Court, having found that Plaintiff had requested and was in need of counsel to assist her in this action, entered an Order referring Plaintiff to the Federal Pro Bono Project and staying proceedings pending appointment of counsel (Dkt. 22);

WHEREAS, on October 24, 2023, the Court entered an Order appointing the above-identified attorneys from O’Melveny & Myers LLP as counsel for Plaintiff for all purposes for the duration of this action (Dkt. 24);

WHEREAS, on January 17, 2024, the Court held a Further Case Management Conference and set a deadline of April 16, 2024 for the Parties to seek leave to amend the pleadings to add new parties, claims or defenses (Dkt. 29);

WHEREAS, Plaintiff intends to amend the FAC, has provided Defendants with a draft

1 proposed Second Amended Complaint (the “Proposed SAC”), and the Parties are meeting and
2 conferring on the Proposed SAC; and

3 **WHEREAS**, having met and conferred, and to avoid unnecessary motion practice and
4 conserve the Court’s and the Parties’ resources, the Parties wish to continue meeting and
5 conferring on Plaintiff’s Proposed SAC and request that the Court enter an Order extending the
6 deadline to seek leave to amend the pleadings as set forth below.

7 **STIPULATION**

8 **NOW, THEREFORE**, the Parties, by and through their respective counsel, hereby
9 stipulate and agree as follows:

10 The deadline to seek leave to amend the pleadings to add new parties, claims or defenses
11 shall be extended from April 16, 2024 to May 3, 2024.

12
13 **IT IS SO STIPULATED**, through Counsel of Record.

14
15 Dated: April 15, 2024

O’MELVENY & MYERS LLP
JORGE DENEVE
RAMON RAMIREZ
ENOCH O. AJAYI

16
17
18
19 By: /s/ Jorge deNeve
20 Jorge deNeve
21 *Attorneys for Plaintiff Kathryn Wade*
22
23
24
25
26
27
28

1 Dated: April 15, 2024

CASTILLO, MORIARTY, TRAN &
ROBINSON
PATRICK D. MORIARTY
JOHN B. ROBINSON

2
3
4
5 By: /s/ John R. Robinson
John R. Robinson
Attorneys for Defendants City of Antioch and
Officer M. Mellone
6
7
8

9 Dated: April 15, 2024

LITIGATION ENGINEERED
CHESTER E. WALLS

10
11
12 By: /s/ Chester E. Walls
Chester E. Walls
Attorneys for Defendant Officer J. Ewart
13
14

15 **ATTESTATION**

16 Pursuant to Civil Local Rule 5-1(i)(3), I attest that the other signatories hereto, on whose
17 behalf this filing is submitted, concur in the filing of this document.

18 Dated: April 15, 2024

19 /s/ Jorge deNeve
Jorge deNeve
20
21
22
23
24
25
26
27
28

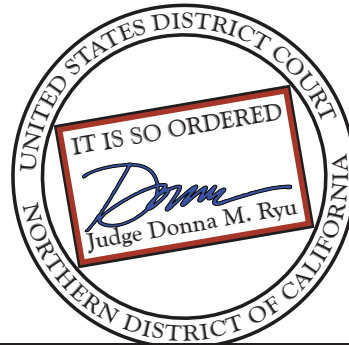
ORDER

The above stipulation having been considered and good cause appearing, THE COURT
ORDERS AS FOLLOWS:

The deadline to seek leave to amend the pleadings to add new parties, claims or defenses
is extended to May 3, 2024.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 16, 2024



HON. DONNA M. RYU
CHIEF MAGISTRATE JUDGE